

Translation

PATENT COOPERATION TREATY

PCT/FR2003/001834



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference G69 12PCT 03	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/001834	International filing date (day/month/year) 17 juin 2003 (17.06.2003)	Priority date (day/month/year) 17 June 2003 (17.06.2003)
International Patent Classification (IPC) or national classification and IPC A61L 9/16		
Applicant GAU, Georges		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e.. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 07 mai 2004 (07.05.2004)	Date of completion of this report 19 September 2005 (19.09.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- the international application as originally filed
 the description:

pages _____ 1-10.12-17 . as originally filed
 pages _____ . filed with the demand
 pages _____ 11 . filed with the letter of 30 June 2005 (30.06.2005)

- the claims:

pages _____ . as originally filed
 pages _____ . as amended (together with any statement under Article 19)
 pages _____ . filed with the demand
 pages _____ 1-17 . filed with the letter of 30 June 2005 (30.06.2005)

- the drawings:

pages _____ 1/3-3/3 . as originally filed
 pages _____ . filed with the demand
 pages _____ . filed with the letter of _____

- the sequence listing part of the description:

pages _____ . as originally filed
 pages _____ . filed with the demand
 pages _____ . filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
 the language of publication of the international application (under Rule 48.3(b)).
 the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description. pages _____
 the claims. Nos. _____
 the drawings. sheets/fig _____

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

1. The expression "of the type" has been added to independent claim 1 (cf. line 11). This term identifies the feature that follows it, particularly the "electrical resistance", as being optional. However, nowhere does the original application mention that such a feature can be excised or replaced by other features. In fact, this feature is **essential** for the operation of the method claimed. Consequently, inserting the expression "of the type" into claim 1 extends the subject matter of the application beyond the content of the application as filed (PCT Article 34(2)(b)).

As a result, the present report has been drawn up as if said amendment had not been made (PCT Rule 70.2(c)).

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>4, 11, 16, 17</u>	YES
	Claims	<u>1-3, 5-10, 12-15</u>	NO
Inventive step (IS)	Claims	<u>4, 16</u>	YES
	Claims	<u>1-3, 5-15, 17</u>	NO
Industrial applicability (IA)	Claims	<u>1-17</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations

1. Reference is made to the following documents and, unless otherwise specified, to the passages cited in the search report:

D1: WO-A-94/02207 cited in the application

D2: WO-A-99/18396 cited in the application

- 1.1 The present application fails to comply with the requirements of the PCT since the subject matter of independent claims 1 and 6 does not meet the requirement of novelty defined in PCT Article 33(2). Document D1 describes an apparatus and a method for purifying ambient air flowing through indoor spaces. The air is first filtered by means of a filter (2) to remove dust and suspended particles, whereafter a fan (1) and solenoid valves (3) cause the air to flow through a chamber containing an electrical resistor (9) placed between two stacks of metal grilles (7, 8). A cyclic programmer (11) is provided for controlling said solenoid valves in such a way that the air flow is alternately directed towards opposite sides of said chamber and flows in a direction perpendicular to said stacks of grilles. The air treated in the apparatus as per D1 is heated

by the resistor to a temperature of around 220 °C as it passes through the metal grilles.

Although the aim of the method of D1 is to purify air catalytically, it would be clear to a person skilled in the art that a temperature of 220 °C also sterilises the treated air. Therefore, there is no difference between the subject matter of claims 1 and 6 and the method and apparatus known from D1.

- 1.2 Dependent claims 2, 3, 5, 7 to 15 and 17 do not contain any additional features which, when combined with the subject matter of any one of the claims on which they are dependent, might comply with the requirements of novelty and inventive step of the PCT (PCT Article 33(2) and (3)). Indeed, all of the above-mentioned features are either disclosed in D1 or considered to be routine measures for a person skilled in the art to take, in the light of the additional disclosures of D2 and particularly the other documents cited in the search report.
2. It is clear from the description that the apparatus described in the present application differs from the device disclosed in document D1 by virtue of the presence of solenoid discharge valves that enable the untreated air in the distribution chamber and the stack of grilles to be recirculated at the end of each half-cycle. This enables an enhanced sterilisation efficiency to be achieved (see page 4, line 32 to page 5, line 3, page 11, lines 3-24, and example 3). Said solenoid discharge valves are not present in the device as per D1 and the available prior art does not suggest adding them to the device according to D1. It follows that claims 4 and 16, which contain these features, comply with the

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requirements of PCT Article 33(2) and (3).

3. The subject matter of all of the claims is considered to be industrially applicable (PCT Article 33(4)).
4. The expression "for example" used in claims 1 and 6 identifies the features that follow it, particularly the fan and the solenoid distribution valves, as being optional. However, these features are **essential** for a clear and accurate definition of the subject matter of these claims. In fact, no other means for generating an air flow are disclosed in the application. Furthermore, multiple dependent claims refer to these features. Therefore, the expression "for example" should have been excised (PCT Article 6; see also the PCT Guidelines, WIPO, Ch. 5, 5.40).